

### IN THE UNITED STATES PATENT AND TRADEMÄRK OFFICE

In re Application of

: International Application No.: PCT/EP99/00425

Thonnard

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Serial No.: 09/889,756

I.A. Filing Date: 19 January 2000 Priority Dates: 22 January 1999 and

.

29 January 1999

For:

BASB055 Polynucleotide and

Polypeptide From

Neisseria Meningitidis, Uses Thereof

otide From

Commissioner for Patents

**Box PCT** 

Washington, D.C. 20231

# RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Sir:

In response to the communication from the Patent Office mailed 20 August 2001, entitled "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office," enclosed is the Declaration and Power of Attorney for this application, plus the duplicate copy of the Notice to File Missing Parts of the Application form.

The \$130.00 surcharge for filing the missing parts of the application should be charged to Deposit Account No. 50-0258. Any overpayment or refund should be credited to Deposit Account No. 50-0258.

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Respectfully submitted,

Arthur E. Jackson
Registration No. 34,354

Attorney for Applicant

DECHERT 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793

Fax: (609) 620-3259 Attn: Eric A. Meade

(609) 620-3248

Docket No. BM45353 Serial No. 09/889,756

### **CERTIFICATE OF MAILING**

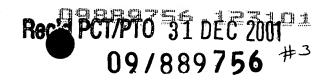
I hereby certify that this correspondence is being caused to be deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231.

Colleen Hanagan

October 19, cool

779751.1.01

'Docket No: BM45353



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: International Application No.: PCT/EP00/00425

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BASB055 Polynucleotide and

Polypeptide From Neisseria Meningitidis, Uses Thereof

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Commissioner for Patents Box PCT Washington, DC 20231

# RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Sir:

This is in reply to the communication mailed 20 August 2001 from the Patent Office, entitled "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures." A copy of the Notice is enclosed.

Submitted herewith is the "Sequence Listing" in computer readable form in accordance with the requirements of 37 CFR §§ 1.821-1.825.

#### **STATEMENT**

Applicant hereby states that the enclosed CRF diskette submitted herewith is identical to the paper copy of the "Sequence Listing" contained in the copy of International Publication No. WO 00/43517 which was submitted on July 20, 2001 for filing with the US Patent Office and contains no new matter.

Respectfully submitted,

Arthur E. Jackson

Registration No. 34,354 Attorney for Applicant

Attorney for A

DECHERT 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793 Fax: (609) 620-3259

Attn: Eric A. Meade

(609) 620-3248

Docket No. BM45353 Serial No. 09/889,756

#### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being caused to be deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231.

Ottober 19, Les 1

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Commissioner for Patents, Box PCT United States Patent and Trademark Urfice Washington, D.C. 20231 www.uspto.gov

OBJECTION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATUS DESIGNATED/ELECTED OFFICE DO/EO/EO/EO/EO/EO/EO/EO/EO/EO/EO/EO/EO/EO	THE STATE OF THE S				www.uspto.gov
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U.S. Basic National Fee.	. The following iter	ns have been submitte	ed by the applican or the IB to the	e United States Patent and 1 Office (37 CFR 1.495):	Paucinai k
Copy of the international application.   Translation of the international application into English.   Oath or Deckaration of inventors(s).   Cherry of Article 19 amendments.   Translation of Article 19 amendments into English.   Cherry of Article 19 amendments.   Translation of Article 19 amendments.   Translation of Annexes to the International Preliminary Examination Report into English.   Translation of Annexes to the International Preliminary Examination Report into English.   Translation of Annexes to the International Preliminary Examination Report into English.   Translation of Annexes to the International Preliminary Examination Report into English.   Translation of Annexes to the International Preliminary Examination Report into English and Its Annexes, if any.   Translation must be filed prior to 20 or 30 months from the priority date to avoid abandonment.   U.S. Basis National Fee.   Copy of the international application must be filed prior to 20 or 30 months from the priority date.   Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.   Translation of the application into English.   A processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR I. 497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge for providing the cash of reclarational application number and international filing date). A surcharge for providing the cash or declaration later than the appropriate 20 or 30 months from the priority date.   The current oath or declaration does not comply with 37 CFR I. 497(a) and (b) for the reasons indicated on the attached PCT/DO/ED/917.    4. Additional claim fees of S.	<del></del>	a Designated Office (	(37 CFR 1.494) [3] an Electric CFR 1.494) [3] Indication of Small	ll Entity Status.	
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Copy of Article 19 amendments. Other: Priority Document. Priority Document. Priority Document. The International Preliminary Examination Report in English and its Annexes, if any. Translation of Annexes to the International Preliminary Examination Report into English.  2. Applicant has requested early processing under 35 U.S.C. 371() but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basis National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment. U.S. Basis National Fee. U.S. Basis National Fee. U.S. Basis National Fee.  3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:  a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  D. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CPR 1.497(0)).  Y. C. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application unmer and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date (37 CPR 1.492(a)).  The current oath or declaration does not comply with 37 CFR 1.497(a) and (b), for the reasons indicated on the attached PCT/DO/EO/917.  3. Additional claim fees of 3 as a large entity small entity, including any required multiple dependent date (37 CFR 1.492(a)). See attached PCT/DO/EO/917.  3. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/917.  3. Applicant has not submitted the	(x) Copy or	Declaration of inventor		icle 19 amendments into Eng	glish.
Priority Document. The International Preliminary Examination Report in English and its Annexes, if any. Translation of Annexes to the International Preliminary Examination Report into English.  2. [2] Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandomnent.  3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:  3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:  3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:  3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:  3. The following items MUST be furnished within the period set forth below in order to complete the required if submitted later than the appropriate 20 or 30 months from the priority date.  4. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date.  5. The current cath or declaration does not comply with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date).  6. Additional claim fees of 3.  8. Aurcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.497(a)).  9. Additional claim fees of 3.  9. A copy of THIS NOTICE OR BY 22 OR 32 MONTHS (where	= Commof	Article 19 amendmen			
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a. Translation of the application into English. A processing few the required assemble later than the appropriate 20 or 30 months from the priority date.  The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  b. Processing few for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  E. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).  A. Additional claim fees of \$\frac{1}{2} as a \subseteq \text{large entity} \subseteq \text{small entity}, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.  S. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.  ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2). MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.  The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).  6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted later than the time period set above or the Annexes will be c					
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<ul> <li>□ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.</li> <li>□ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.</li> <li>☑ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).</li> <li>4. Additional claim fees of \$</li></ul>			is defective for the reasons muca	ica on the assessed	
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			INTERNATIONAL APPLICATION NO.			
DECHERT ATTN: ALLEN BLOOM, ESQ 4000 BELL ATLANTIC TOWER 1717 ARCH STREET PHILADELPHIA, PA 19103				PCT/EP00/00425		
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### NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

The application fails to comply with the requirements of 37 CFR 1.821-1.825.
This application does not contain, a "Sequence Listing" as a separate part of the
disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
A service of the "Games and Listing" in computer readable format has not been submitted as
required by 37 CFR 1.821(e).
A copy of the "Sequence Listing" in computer readable form has been submitted. The
content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."  The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).  The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).  Other:  Other:
APPLICANT MUST PROVIDE:
An initial or substitute computer readable form (CRF) of the "Sequence Listing."
An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as a
amendment directing its entry into the specification.
A statement that the contents of the paper or compact disc and the computer readable form
are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CALL:
(703) 308-4216, for Rules interpretation,

John Anderson

Telephone: 703 308-9116

FORM PCT/DO/EO/920 (March 2001)

(703) 308-4212, for CRF submission help, (703) 287-0200, for Patentln software help.